

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

WILLIE SMITH.

Plaintiff,

v.

D. JONES, *et al.*,

Defendants.

Case No. 3:20-cv-00504-MMD-CLB

ORDER TO FILE CASE MANAGEMENT REPORT

10 The Court has now screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915(a)
11 and ordered the case to proceed. To ensure the just, speedy, and cost-effective resolution
12 of this action, the court orders each party submit a Case Management Report for the
13 Court's review. Upon receipt of each Case Management Report, the Court will determine
14 whether a case management conference should be set to assist in managing discovery
15 and/or whether the Court will issue a full scheduling order following the scheduling
16 conference, setting out additional dates related to discovery and the litigation. No
17 discovery may proceed until the Court enters a full scheduling order following its review
18 of the Case Management Reports or holds a case management conference with the
19 parties.

Therefore, IT IS HEREBY ORDERED that:

21 By no later than **November 21, 2021**, each party shall file a Case Management
22 Report for the Court's review. The Case Management Report must not exceed 5 pages
23 and must not include any attached exhibits. Each party's Case Management Report must
24 include the following information in separately numbered paragraphs as designated
25 below:

26 1) A brief statement of the nature of the case, including a brief description of
27 the claims and defenses;
28 2) The location of potentially relevant documents:

- 1 3) The discovery each party intends to take, if any;
- 2 4) Proposed deadlines for the discovery plan and scheduling order;
- 3 5) Any options or methods for the streamlining and/or bifurcation of discovery
- 4 or the litigation;
- 5 6) Whether the defense of exhaustion may apply to any claims and whether
- 6 that defense, if successful, would be dispositive of the entire case or certain claims in the
- 7 litigation;
- 8 7) Whether the party intends to use expert witnesses;
- 9 8) Whether the party intends to proceed by consent before the magistrate
- 10 judge. Presently, when a civil trial is set before the district judges, any criminal trial set
- 11 that conflicts with the civil trial will take priority, even if the civil trial was set first.
- 12 Continuances of civil trials under these circumstances may no longer be entertained,
- 13 absent good cause, but the civil trial may instead trail from day to day or week to week
- 14 until the completion of either the criminal case or the older civil case. The parties are
- 15 advised that they are free to withhold consent or decline magistrate jurisdiction without
- 16 adverse substantive consequences; and,
- 17 9) Any immediate or ongoing issues or requests that could require the Court's
- 18 immediate attention or that should be brought to the Court's attention.

19 Upon review of each party's Case Management Reports, the Court determine

20 whether to schedule a case management conference or to simply issue a Scheduling

21 Order and Discovery Plan. Once a Scheduling Order and Discovery Plan is issued, the

22 dates in the Scheduling Order and Discovery Plan will be firm and no extension shall be

23 given without permission from the Court based on good cause shown.

24 DATED: October 26, 2021.

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28 UNITED STATES MAGISTRATE JUDGE